

ASSEMBLY BILL

No. 414

Introduced by Assembly Member Nakano

February 14, 2003

An act to amend Section 1569.616 of the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 414, as introduced, Nakano. Residential care facilities for the elderly: administrator certification program: training.

Existing law requires the State Department of Social Services to license and regulate residential care facilities for the elderly.

Existing law requires that an administrator of a residential care facility for the elderly successfully complete a certification program approved by the department prior to employment. Existing law also requires the certificate to be renewed every 2 years and conditions the renewal upon the completion of 40 hours of continuing education approved by the department.

This bill would require that no more than $\frac{1}{2}$ of the required 40 hours of continuing education be satisfied through online or home study courses. It would authorize the department to approve online or home study programs for continuing education courses.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1569.616 of the Health and Safety Code
2 is amended to read:

1 1569.616. (a) (1) An administrator of a residential care
2 facility for the elderly shall be required to successfully complete
3 a department approved certification program prior to
4 employment.

5 (2) In those cases where the individual is both the licensee and
6 the administrator of a facility, or a licensed nursing home
7 administrator, the individual shall comply with the requirements
8 of this section unless he or she qualifies for one of the exemptions
9 provided for in subdivision (b).

10 (3) Failure to comply with this section shall constitute cause for
11 revocation of the license of the facility where an individual is
12 functioning as the administrator. The licensee shall notify the
13 department within 30 days of any change in administrators.

14 (b) Individuals seeking exemptions under paragraph (2) of
15 subdivision (a) shall meet the following criteria and fulfill the
16 required portions of the certification program, as the case may be:

17 (1) An individual designated as the administrator of a
18 residential care facility for the elderly who holds a valid license as
19 a nursing home administrator issued in accordance with Chapter
20 8.5 (commencing with Section 3901) of Division 2 of the Business
21 and Professions Code shall be required to complete the areas in the
22 uniform core of knowledge required by this section that pertain to
23 the law, regulations, policies, and procedural standards that impact
24 the operations of residential care facilities for the elderly, the use,
25 misuse, and interaction of medication commonly used by the
26 elderly in a residential setting, and resident admission, retention,
27 and assessment procedures, equal to 12 hours of classroom
28 instruction. An individual meeting the requirements of this
29 paragraph shall not be required to take a written test.

30 (2) In those cases where the individual was both the licensee
31 and administrator on or before July 1, 1991, the individual shall be
32 required to complete all the areas specified for the certification
33 program but shall not be required to take the written test required
34 by this section. Those individuals exempted from the written test
35 shall be issued a conditional certification that is valid only for the
36 administrator of the facility for which the exemption was granted.

37 (A) As a condition to becoming an administrator of another
38 facility the individual shall be required to pass the written test
39 provided for in this section.

(B) As a condition to applying for a new facility license, the individual shall be required to pass the written test provided for in Section 1569.23.

(c) (1) The administrator certification program shall require a minimum of 40 hours of classroom instruction that provides training on a uniform core of knowledge in each of the following areas:

(A) Laws, regulations, and policies and procedural standards that impact the operations of residential care facilities for the elderly.

(B) Business operations.

(C) Management and supervision of staff.

(D) Psychosocial needs of the elderly.

(E) Community and support services.

(F) Physical needs for elderly persons.

(G) Use, misuse, and interaction of medication commonly used by the elderly.

(H) Resident admission, retention, and assessment procedures.

(I) Training focused specifically on serving clients with dementia. This training shall be for at least four hours.

(2) Individuals applying for certification under this section shall successfully complete an approved certification program, pass a written test administered by the department within 60 days of completing the program, and submit the documentation required by subdivision (d) to the department within 30 days of being notified of having passed the test. The department may extend these time deadlines for good cause. The department shall notify the applicant of his or her test results within 30 days of administering the test.

(d) The department shall not begin the process of issuing a certificate until receipt of all of the following:

(1) A certificate of completion of the administrator training required pursuant to this chapter.

(2) The fee required for issuance of the certificate. A fee of one hundred dollars (\$100) shall be charged by the department to cover the costs of processing the application for certification.

(3) Documentation of passing the written test or of qualifying for an exemption pursuant to subdivision (b).

(4) Submission of fingerprints. The department and the Department of Justice shall expedite the criminal record clearance

1 for holders of certificates of completion. The department may
2 waive the submission for those persons who have a current
3 clearance on file.

4 (e) It shall be unlawful for any person not certified under this
5 section to hold himself or herself out as a certified administrator
6 of a residential care facility for the elderly. Any person willfully
7 making any false representation as being a certified administrator
8 is guilty of a misdemeanor.

9 (f) (1) Certificates issued under this section shall be renewed
10 every two years and renewal shall be conditional upon the
11 certificate holder submitting documentation of completion of 40
12 hours of continuing education related to the core of knowledge
13 specified in paragraph (1) of subdivision (c). *No more than*
14 *one-half of the required 40 hours of continuing education*
15 *necessary to renew the certificate may be satisfied through online*
16 *or home study courses.* For purposes of this section, individuals
17 who hold a valid license as a nursing home administrator issued in
18 accordance with Chapter 8.5 (commencing with Section 3901) of
19 Division 2 of the Business and Professions Code and meet the
20 requirements of paragraph (1) of subdivision (b) shall only be
21 required to complete 20 hours of continuing education.

22 (2) Every certified administrator of a residential care facility
23 for the elderly is required to renew his or her certificate and shall
24 complete the continuing education requirements of this
25 subdivision whether he or she is certified according to subdivision
26 (a) or (b). On and after January 1, 2002, at least eight hours of the
27 40-hour continuing education requirement for a certified
28 administrator of a residential care facility for the elderly shall
29 include instruction on serving clients with dementia, including,
30 but not limited to, instruction related to direct care, physical
31 environment, and admissions procedures and assessment.

32 (3) Certificates issued under this section shall expire every two
33 years, on the anniversary date of the initial issuance of the
34 certificate, except that any administrator receiving his or her initial
35 certification on or after January 1, 1999, shall make an irrevocable
36 election to have his or her recertification date for any subsequent
37 recertification either on the date two years from the date of
38 issuance of the certificate or on the individual's birthday during the
39 second calendar year following certification. The department shall
40 send a renewal notice to the certificate holder 90 days prior to the

1 expiration date of the certificate. If the certificate is not renewed
2 prior to its expiration date, reinstatement shall only be permitted
3 after the certificate holder has paid a delinquency fee equal to three
4 times the renewal fee and has provided evidence of completion of
5 the continuing education required.

6 (4) To renew a certificate, the certificate holder shall, on or
7 before the certificate expiration date, request renewal by
8 submitting to the department documentation of completion of the
9 required continuing education courses and pay the renewal fee of
10 one hundred dollars (\$100), irrespective of receipt of the
11 department's notification of the renewal. A renewal request
12 postmarked on or before the expiration of the certificate is proof
13 of compliance with this paragraph.

14 (5) A suspended or revoked certificate is subject to expiration
15 as provided for in this section. If reinstatement of the certificate is
16 approved by the department, the certificate holder, as a condition
17 precedent to reinstatement, shall pay a fee in an amount equal to
18 the renewal fee, plus the delinquency fee, if any, accrued at the
19 time of its revocation or suspension.

20 (6) A certificate that is not renewed within four years after its
21 expiration shall not be renewed, restored, reissued, or reinstated
22 except upon completion of a certification program, passing any
23 test that may be required of an applicant for a new certificate at that
24 time, and paying the appropriate fees provided for in this section.

25 (7) A fee of twenty-five dollars (\$25) shall be charged for the
26 reissuance of a lost certificate.

27 (8) A certificate holder shall inform the department of his or her
28 employment status within 30 days of any change.

29 (g) The department may revoke a certificate issued under this
30 section for any of the following:

31 (1) Procuring a certificate by fraud or misrepresentation.

32 (2) Knowingly making or giving any false statement or
33 information in conjunction with the application for issuance of a
34 certificate.

35 (3) Criminal conviction unless an exemption is granted
36 pursuant to Section 1569.17.

37 (h) The certificate shall be considered forfeited under the
38 following conditions:

39 (1) The administrator has had a license revoked, suspended, or
40 denied as authorized under Section 1569.50.

(2) The administrator has been denied employment, residence, or presence in a facility based on action resulting from an administrative hearing pursuant to Section 1569.58.

(i) (1) The department shall establish, by regulation, the program content, the testing instrument, the process for approving certification programs, and criteria to be used in authorizing individuals, organizations, or educational institutions to conduct certification programs and continuing education courses. *The department may approve online or home study programs for continuing education courses.* These regulations shall be developed in consultation with provider and consumer organizations, and shall be made available at least six months prior to the deadline required for certification. The department may deny vendor approval to any agency or person that has not provided satisfactory evidence of their ability to meet the requirements of vendorization set out in the regulations adopted pursuant to subdivision (j).

(2) The department may authorize vendors to conduct the administrator certification training program pursuant to provisions set forth in this section. The department shall conduct the written test pursuant to regulations adopted by the department.

(3) The department shall prepare and maintain an updated list of approved training vendors.

(4) The department may inspect training programs and continuing education courses to determine if content and teaching methods comply with regulations. If the department determines that any vendor is not complying with the intent of this section, the department shall take appropriate action to bring the program into compliance, which may include removing the vendor from the approved list.

(5) The department shall establish reasonable procedures and timeframes not to exceed 30 days for the approval of vendor training programs.

(6) The department may charge a reasonable fee, not to exceed one hundred fifty dollars (\$150) every two years to certification program vendors for review and approval of the initial 40-hour training program pursuant to subdivision (c). The department may also charge the vendor a fee not to exceed one hundred dollars (\$100) every two years for the review and approval of the

1 continuing education courses needed for recertification pursuant
2 to this subdivision.

3 (j) This section shall be operative upon regulations being
4 adopted by the department to implement the administrator
5 certification program as provided for in this section.

6 (k) The department shall establish a registry for holders of
7 certificates that shall include, at a minimum, information on
8 employment status and criminal record clearance.

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